

IN THE UNITED STATES DISTRICT
COURT WESTERN DIVISION FOR THE
NORTHERN DISTRICT OF OHIO

Renz, et. al,
Plaintiff
Attorneys:
Thomas Renz (Bar ID 98645)
1907 W State St. #162
Fremont, OH 43420

&

Robert Gargasz (Bar ID 7136)
1670 Cooper Foster Park Rd.
Lorain, OH 44053

-VS-

State of Ohio, et. al

Defendant(s)

CASE NO. 3:20-cv-1948

JUDGE: Honorable Judge
James Carr

EXHIBIT – Attachment K:
Expert Declarations

The following has been submitted by Plaintiff's attorney, Thomas Renz.

Respectfully submitted,

s/ Thomas Renz

ATTORNEY
Thomas Renz
Bar ID: 98645
1907 W State St. #162
Fremont, OH 43420
Phone: 419-351-4248

Attachment K

Expert Declarations

Declaration of: Dr. Sherri Tenpenny

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct. Executed on (date) August 30, 2020

Signature: 

1. I have substantial past investigative research and work experience as well as first-hand knowledge of the subject matter I am attesting to which I believe will assist the trier-of-fact in this case in understanding relevant evidence and/or making a factual determination in this case. Please note my attached curriculum vitae which is also true and accurate.
2. I have read and reviewed all of the attached materials and related materials and attest, based on my knowledge or experience, to their relevance to this declaration.
3. I believe that the opinions that I am offering in this declaration are the product of reliable principles and methods as applied to the facts of this case.
4. Each of my opinions as stated herein are provided in support of establishing the claims in this case in a Court of Law and are stated to a reasonable degree of medical certainty.
5. As pertaining to this case, I believe the following to be a true and correct statement of facts and if called to testify, I will provide the following opinions:
 - a. Statements made in the Complaint for this case regarding masks, testing, death counts, cases, manipulation, the overall danger of COVID-19, and COVID-19 tests are true and correct to a reasonable degree of medical certainty.
 - b. Attachment B is true and correct statements of facts and I agree with their conclusions to a reasonable degree of medical certainty.
 - c. I agree with Dr. Fauci, the Surgeon General of the United States, and many others that the general public and healthy individuals should not wear a mask.
 - d. The use of masks will likely have no substantial impact in reducing the spread of COVID-19.
 - e. The use of masks in common daily activities can be harmful to both physical and mental health.
 - f. Prolonged mask usage is particularly dangerous in children.

- g. Use of masks outdoors in the heat and to people participating in athletic activities can be deadly.
- h. Improper use of a mask makes the spread of COVID-19 more likely.
- i. Along with oxygen deprivation and elevation of carbon dioxide levels, masks reduce cognitive abilities and have negative psychological impacts.
- j. COVID-19 testing for the SARS-CoV2 virus is inaccurate at best.
 - i. PCR testing was never intended to be used for diagnosing illness.
 - ii. Deaths from SARS-CoV2 virus has not been proven. The virus has not been show to transmit infection; it does not follow Koch's postulates.
<https://www.globalresearch.ca/no-one-has-died-coronavirus/5717668>
- k. To my knowledge, no governmental agency has defined what it means to have to test "positive" for SARS-CoV2 infection.
 - i. The FDA has given fast-track approval to various manufacturers of COVID-19 tests who have set their own standards as to what it means to be "positive" or "negative" for COVID-19.
 - ii. Tests determined to be "positive" are called "cases" even when associated with healthy, asymptomatic people.
 - iii. Extreme public policies that have had devastating effects on global industries are being set in place based on "cases."
- l. Based on my knowledge of PCR testing, it is inaccurate for identifying the presence of the SARS-CoV2 virus, the virus said to be associated with the condition referred to as COVID-19.
- m. The diagnosis of COVID-19, as defined by either the CDC or the Ohio Department of Health, is based on vague symptoms and is wildly inaccurate. Many unrelated illnesses and conditions have been assigned the diagnosis of COVID-19.
- n. The number of deaths said to be COVID-19 and reported by the State of Ohio is almost certainly inaccurate.
- o. Infection and illness caused by SARS-CoV2 has been reported to be less significant and fewer numbers that annual illness caused by influenza viruses and influenza illness.

Declaration of: Dr. Aubrey Whewell

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date) Aug. 30, 2020.

Signature: .

1. I have academic and work experience as well as first-hand knowledge of the subject matter I am attesting to which I believe will assist the trier-of-fact in this case in understanding relevant evidence and/or making a factual determination in this case. Please note my attached curriculum vitae which is also true and accurate.
2. I have read and reviewed all the attached materials and related materials and attest, based on my knowledge or experience, to their relevance to this declaration.
3. I believe that the opinions that I am offering in this declaration are the product of reliable principles and methods as applied to the facts of this case.
4. Each of my opinions as stated herein are provided in support of establishing the claims in this case in a Court of Law and are stated to a reasonable degree of professional certainty.
5. As pertaining to this case, I believe the following to be a true and correct statement of facts and if called to testify, I will provide the following opinions:
 - a. Statements made in the Complaint for this case regarding death counts, excess deaths, impacts of the reaction to COVID-19, and the danger of COVID-19 are true and correct to the best of my knowledge.
 - b. Attachments A and E are true and correct statements of facts and I agree with their conclusions.
 - c. The CDC's reported numbers of COVID-19 deaths represent the number of patients that have died with COVID-19 and not necessarily from COVID-19.
 - d. The number of people that have died from COVID-19 is substantially fewer than the reported number of COVID-19 deaths.
 - e. As of May 30th, it is extremely unlikely that anywhere near 100,000 people were killed by COVID-19.

- f. I believe that excess deaths have occurred in the United States throughout the year 2020 and that many or most of those deaths can be attributed to policies implemented in response to COVID-19 in across the nation.
- g. COVID-19 appears to be roughly as dangerous as a severe seasonal flu.

AUBREY T. WHEWELL

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3330 Darlington Road
Ottawa Hills, Ohio 43606

EDUCATION

PhD	University of Toledo Health Education	May 2016
MPH	Northwest Ohio Consortium of Public Health Health Promotion and Education	December 2005
BA	Adrian College Sociology, Biology	May 2004

TEACHING EXPERIENCE

Eastern Michigan University; Ypsilanti, Michigan January 2017 to present
Adjunct Lecturer, School of Health Promotion and Human Performance

- **Concepts of Sexuality Education,** 3 credit hours, a classroom-based undergraduate course providing the student with information related to human sexuality and developing student skills in sexuality education program planning. The effectiveness of existing sexuality education programs and instructional strategies are explored. Analysis of one's own attitudes and values regarding human sexuality are also addressed.
- **Healthful Living,** 3 credit hours, an online-based undergraduate course focused on students developing the responsibility for guiding and evaluating their own health. The acquisition of attitudes, habits, skills, and ideas favorable to efficient and healthful living are explored.
- **Health Education in the Elementary Grades,** 2 credit hours, a classroom- and hybrid-(online/classroom) based undergraduate course preparing future and current primary and intermediate grade teachers to integrate health into their teaching. The course presents health education within the framework of the Whole School, Whole Community, Whole Child model. In this course, special emphasis is placed upon the healthy school environment and health education content and teaching strategies.
- **Health Education Methods and Materials,** 3 credit hours, a classroom-based graduate course exposing students to a wide variety of methods and materials used in the practice of health education. Curricula, videos, text, and computerized materials are discussed. Andragogical and pedagogical techniques for individuals and groups in settings such as, but not limited to schools, communities, and worksites are included
- **Healthy Sexuality,** 3 credit hours, a classroom-based undergraduate course examining various topics related to healthy sexuality emphasizing aspects in the health education and community health education.

- **Principles of Health Education**, 3 credit hours, a classroom-based undergraduate course providing students with an understanding of the professional roles and competencies of the Health Education Specialist. Course content addresses professional development, code of ethics, application of health education theory, and recommendations for practice.

University of South Carolina – Beaufort; Bluffton, SC August 2019 to present
Adjunct Lecturer, Department of Nursing and Health Professions

- **Basic Health**, 3 credit hours, an online-based undergraduate course addressing knowledge concerning attitudes and practices which promote and maintain the present and future health of the individual and the community. This course emphasizes the prevention of disease and a positive health attitude including topic such as nutrition, fitness, drugs, and sexuality.
- **Introduction to Public Health**, 3 credit hours, an online-based undergraduate course presenting a broad-based overview of those processes that enable people to assume responsibility for health and wellness as well as the role of the Public Health professional.
- **Senior Seminar**, 2 credit hours, co-taught an online-based undergraduate capstone course that summarizes the experiences of the health promotion major and prepares students for employment and/or graduate study.

University of Toledo; Toledo, Ohio January 2019 to May 2019
Adjunct Lecturer, School of Population Health

- **Community Health Organization**, 3 credit hours, a classroom-based graduate (combined Masters and Doctorate) course focused on techniques that bring about change in a community's health status through assessment, public advocacy, coalition building, decision making, planning, policy development and political influence, emphasizing application.

PROFESSIONAL EXPERIENCE

Independent Evaluation Consultant 2016 to present

- Ohio Area Health Education Centers (AHEC) – 2017-present
 - Develop, implement, assess, and modify Statewide AHEC program evaluation objectives, methods, and tools as well as provide timely reporting to project directors, stakeholders, and funders.
- Imagination Station, Tinker Thinking – 2016-2017
- United Way, Imagination Library – 2016-2017

Susan G. Komen Northwest Ohio; Toledo, Ohio 2013-2016
Mission Manager

- Developed, implemented, and maintained all grants-related policies, procedures, guidelines and materials for the grants programs.

- Coordinated the review process ensuring all applications received a fair review and that funding decisions were aligned with the funding priorities.
- Coordinated and managed the grants programs in the online Grants e-Management System.
- Served as staff liaison and assisted with the coordination of the grant's programs Peer Review Panel and Komen's Strategic Mission Committee.
- Represented Komen on breast health/cancer coalitions in the 24-county service area.
- Served as the advocacy representative responsible for interactions with state and federal elected officials regarding breast health/cancer legislation.
- Ensured the completion and implementation of the Community Profile identifying the breast health/cancer needs of target counties in the service area.
- Oversaw the breast cancer survivor initiatives including the Newly Diagnosed Breast Cancer Survivor Initiative and the Breast Cancer Survivor bi-monthly e-newsletter.
- Supervised the Mission for Minority Breast Health initiative with the Minority Breast Health Coordinator providing breast health/cancer training, education, and outreach to African American and Hispanic/Latina women in Allen, Erie and Lucas Counties.
- Implemented, maintained, and evaluated the Worship in Pink program providing breast health/cancer education and awareness to places of worship.
- Supervised and mentored public health and community health student interns.
- Prepared reports identifying the impact of outreach and education in the Komen service area.
- Managed annual operating plans and budget for mission programs

University of Toledo; Toledo, Ohio

2009-2012

Graduate Assistant

- Coordinated, managed, and advanced the Ohio Department of Alcohol and Drug Abuse Services Grant projects as well as provide timely reporting.
- Designed, planned, and implemented initiatives and education to reduce Alcohol, Tobacco and Other Drug (ATOD) use at the University of Toledo Main Campus (University).
- Assisted in the development of University policies including Medical Amnesty policy, August 1, 2010; Restricted tobacco use to designated areas, August 1, 2011.
- Conducted ATOD presentations for University students, faculty, staff, and professionals.
- Coordinated, implemented, and evaluated University ATOD Prevention Committee initiatives.
- Contributed to the development of an online alcohol education course.
- Utilized Statistical Package for Social Sciences (SPSS) to analyze experimental and survey research.
- Lecturer for Drug Awareness course; including developing and implementing syllabus, developing course materials and presentations, and assigning and submitting grades.

Toledo Lucas County Health Department; Toledo, Ohio

2007-2009

Cardiovascular Health Project Director

- Coordinated, managed, and advanced Cardiovascular Health (CVH) Grant projects to successful and timely completion.
- Developed and led the "For Your Heart" Coalition consisting of over 20 collaborators whose focus was to improve the health of citizens in Lucas County.

- Coordinated, conducted, and evaluated CVH program initiatives relating to diabetes, hypertension, tobacco, nutrition, physical activity, and cholesterol.
- Composed CVH program reporting and grant proposals.
- Created, implemented, and developed the “Worksite Wellness Network” including worksite wellness conferences and work session initiatives.
- Represented the Toledo-Lucas County Health Department on over a dozen community coalitions.

American Cancer Society; Perrysburg, Ohio

2005-2007

Regional Health Promotions Supervisor

- Supervised strategic direction and planning to remote working staff for 19 counties.
- Developed plan and work budget for Region Health Promotions.
- Recruited, hired, and trained all new Health Promotion staff to work remotely in 19 counties.
- Oversaw and ensured complete and accurate maintenance and submission of information and data for Regional and Division databases.
- Communicated effectively with Regional leadership team, staff, and Ohio leadership counterparts.
- Assisted health promotion in quality of life services, worksite wellness services, early detection in colorectal and breast cancer, and primary prevention collaborative and programming.

RESEARCH EXPERIENCE

- Recommendations for Teaching Health Education Skills in High School, 2016.
- Community Profile, Susan G. Komen Northwest Ohio, 2015.
- Administered the University of Toledo Alcohol & Drug Survey, 2012.
- Administered the Mad Challenge, University of Toledo, 2011.
- Conducted 21st Birthday Survey, University of Toledo, 2011/2012.
- Administered the University of Toledo Alcohol & Drug Survey, 2010; 2012.
- Conducted Game Day Survey, University of Toledo, 2009.

PUBLICATIONS

Whewell, A., Westphal, M. (2015). Susan G. Komen Northwest Ohio Community Profile Report.

Glassman, T., Blavos, A., Paprzycki, P., Deakins, B., Reindl, D., **Whewell, A.,** & Ingraham, A. (2013) Mad Challenge – 30 Day Alcohol Abstinence Pledge. *American Journal of Health Studies* 28(4), 190-196.

Glassman, T., **Whewell, A.,** Sheu J.J. & Reindl, D. (2012) “Implications for college students posting pictures of themselves drinking alcohol on Facebook.” *Journal of Alcohol and Drug Education*, 56, 38-58.

Glassman, T., Braun, R., **Whewell, A.**, & Reindl, D. (2011). Blood (breath) alcohol concentration rates of college football fans on game day. *Journal of Alcohol and Drug Education*, 55(2), 55-73.

Glassman, T., Reindl, D., & **Whewell, A.** (2011). "Strategies for implementing a tobacco free campus policy." *Journal of American College Health*, 59(8), 764-768.

Braun, R.E., Glassman, T., Wohlwend, J., **Whewell, A.**, & Reindl, D. (2011). "Hookah use among college students from a Midwest university." *Journal of Community Health*, volume 36, issue 5. DOI 10.1007/s10900-011-9444-9 Online First - Available from: <http://www.springerlink.com/content/p07x522728766318/>

PRESENTATIONS

Local Presentations

Whewell, A., Glassman, T., & Reindl, D. *An exploratory study: College students posting pictures of themselves drinking alcohol on Facebook*. Poster Presentation at The University of Toledo Graduate Research Presentation, Toledo, OH, 2011.

Reindl, D., Glassman, T., **Whewell, A.**, & Braun, R. *The University of Toledo Tobacco-Free Vote Results*. Poster Presentation at The University of Toledo Graduate Research Program, Toledo, OH, 2010.

Braun, R., Glassman, T., Reindl, D., & **Whewell, A.** *Blood Alcohol Consumption Levels of College Football Fans on Game Day*. Poster Presentation at The University of Toledo Graduate Research Program, Toledo, OH, 2010.

State Presentations

Whewell, A., Dake, J., Telljohann, S., Seabert, D., & Glassman, T. *Recommendations for Teaching Health Education Skills in High School*. Poster Presentation at the Ohio Association for Health, Physical Education, and Dance, Kalahari Resorts and Conventions, Sandusky, OH, 2019.

Whewell, A., Dake, J., Telljohann, S., Seabert, D., & Glassman, T. *Recommendations for Teaching Health Education Skills in High School*. Poster Presentation at the Health Educators' Institute (HEI), Dublin Integrated Education Center, Dublin, OH, 2018.

Reindl, D., Glassman, T., **Whewell, A.**, & Blavos, A. *Medical Amnesty: Considerations in Policy Development*. Oral Presentation at the Health Educators' Institute (HEI), Mohican State Park, Loudonville, OH, 2011.

Reindl, D., Glassman, T., **Whewell, A.**, & Braun, R. *Best practices: Utilizing Environmental Management for High-Risk Drinking Prevention on College Campuses. What is your University doing?* Poster Presentation at the Health Educators' Institute, Hueston Woods State Park, College Corner, OH, 2009.

National Presentations

Whewell, A., Dake, J., Telljohann, S., Seabert, D., & Glassman, T. *Recommendations for Teaching Health Education Skills in High School*. Accepted: Roundtable discussion at the American School Health Association School Health Conference, Virtual Conference, 2020.

Blavos, A., Glassman, T., Reindl, D., & **Whewell, A.** *Risk-Reduction Strategies: 21st Birthday Intervention*. Poster presentation at the Eta Sigma Gamma (ESG) Conference, San Antonio, Texas, 2012.

Whewell, A., Glassman, T., & Reindl, D. *College students posting pictures of themselves drinking alcohol on Facebook*. Poster Presentation at American Public Health Association (APHA) Conference, Washington D.C., 2011.

Glassman, T., Reindl, D., **Whewell, A.,** & Braun, R. *Voting Results for Student, Faculty, and Staff Support of a Tobacco-Free Campus Environment at a Large University in the Midwest*. Oral Presentation at the American Public Health Association (APHA) Conference, Denver, CO, 2010.

Glassman, T., Braun, R., **Whewell, A.,** & Reindl, D. *Blood (breath) Alcohol Consumption Levels of College Football Fans on Game Day*. Poster Presentation at the American Public Health Association (APHA) Conference, Denver, CO, 2010.

Thompson, A., Reindl, D., **Whewell, A.,** & Hunt, B. *Super Charging Your School Wellness Program*. Round table discussion at the American School Health Association (ASHA) Conference, Kansas City, MO, 2010.

GRANTS

Whewell, A. “Newly Diagnosed Breast Cancer Survivor Support Initiative”, **\$40,500**, Toledo Community Oncology Program. Granted January 2016.

Whewell, A., Frederick, D. “Mission for Minority Breast Health Project”, **\$64,743**, Walgreens through Susan G. Komen. Granted November 2014.

Whewell, A., Glassman, T., Blavos, A. “The Alcohol, Tobacco and Other Drug Prevention Project”, **\$4,000**, Ohio Department of Alcohol and Drug Abuse Services, Granted June 2012.

Whewell, A., Glassman, T. “Just Ask”, **\$1,000**, Ohio College Health Association, Granted April 2012.

Whewell, A., Glassman, T. “The Alcohol, Tobacco and Other Drug Prevention Project”, **\$16,795**, Ohio Department of Alcohol and Drug Abuse Services, Granted June 2011.

Whewell, A., Glassman, T. “The Alcohol, Tobacco and Other Drug Prevention Project”, **\$21,795**, Ohio Department of Alcohol and Drug Abuse Services, Granted June 2010.

Whewell, A., Gibson, A. “Creating Healthy Communities Project”, **\$140,000**, Ohio Department of Health. Granted December 2009.

Whewell, A., Gibson, A. “Cardiovascular Health Grant”, **\$98,000**, Ohio Department of Health. Granted December 2008.

Whewell, A., “Women’s Health Grant”, **\$2,000**, The University of Toledo Medical Center. Granted May 2008.

Whewell, A., “Body & Soul Program”, **\$2,000**, American Cancer Society. Granted April 2008.

Whewell, A., Gibson, A. “Cardiovascular Health Grant”, **\$98,000**, Ohio Department of Health. Granted December 2007.

PROFESSIONAL MEMBERSHIPS

- Great Lakes Society for Public Health Education
- Ohio Society for Public Health Education
- Society for Public Health Education

SERVICE

- Abstract reviewer,
 - American Evaluation Association, 2020
 - Society for Public Health Education, 2019 – present
 - American School Health Association, 2015 – 2016
- Health Educators Institute planning committee member, Ohio Society for Public Health Education, 2019 – present
- Northwest District Representative, Ohio Society for Public Health Education, 2020 - present
- Grant reviewer, Toledo Lucas County Homelessness Board, 2018 – 2019
- Health Education and Physical Education Standard Setting and Linking Activity, MTTC Standard Setting and Linking Activity Conference, accepted reviewer, 2019

REFERENCES

Courtney K. Combs, J.D., Director, Ohio Statewide Area Health Education Centers
College of Medicine and Life Sciences
Center for Creative Education 3105B, Mail Stop 1029
Phone: 419.383.4880
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